

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRICORE, INC.	:	CIVIL ACTION NO.
	:	04-12393 (JGD)
	:	
VS.	:	
	:	
SAFECO INSURANCE COMPANY OF	:	
AMERICA and R.P. IANNUCCILLO &	:	
SONS CONSTRUCTION CO.	:	January 13, 2006

**DEFENDANT SAFECO INSURANCE COMPANY OF AMERICA'S
MOTION FOR LEAVE TO FILE REPLY TO CROSS-CLAIM PLAINTIFF
R.P. IANNUCCILLO & SON CONSTRUCTION CO'S OPPOSITION
TO MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Local Rule 7.1(b)(3) of the Local Rules of the United States District Court for the District of Massachusetts, the cross-claim defendant, Safeco Insurance Company of America (the "Surety"), respectfully moves for leave to file its Reply to the Opposition to Motion for Partial Summary Judgment ("Opposition Memorandum") filed by the cross-claim plaintiff R.P. Iannuccillo & Son Construction Co.'s ("RPI") on or about November 14, 2005. Good cause exists for the relief sought in this motion.

Given the scope and arguments arising in RPI's Opposition Memorandum, the Surety seeks leave of the Court to file its Reply Memorandum so that it can fully evaluate and rebut the arguments raised therein. More particularly, the Surety wishes to address the arguments raised by RPI regarding the imposition of liability for unfair settlement claims practices under Massachusetts General Law Chapter 93A ("Chapter 93A") and the issues and factual allegations made regarding a dispute between RPI and Tricore, Inc.

regarding the Tricore performance bond. The Tricore performance bond is unrelated to Count II of RPI's Crossclaim, which is the subject matter of the Surety's Motion for Summary Judgment.

This is the Surety's first request for the relief sought in this Motion.

WHEREFORE, the cross-claim defendant, Safeco Insurance Company of America, respectfully requests that the Court grants its Motion for Leave to file its Reply Memorandum.

CROSSCLAIM DEFENDANT,
SAFECO INSURANCE COMPANY
OF AMERICA

By 

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CERTIFICATION

This is to certify that on January 13, 2006, a copy of the foregoing was mailed, postage pre-paid or delivered electronically or by facsimile to the following:

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